

Message Text

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63

ACTION EUR-25

INFO OCT-01 ADP-00 JUSE-00 L-03 SSO-00 NSCE-00 INRE-00

CIAE-00 INR-10 NSAE-00 RSC-01 EURE-00 SS-15 NSC-10

SCA-01 RSR-01 /067 W

----- 127554

O 071800 Z MAY 73

FM AMEMBASSY BERN

TO SECSTATE WASHDC IMMEDIATE 7641

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E. O. 11652: N/ A

TAGS: EFIN, PFOR, US, SZ

SUBJ: JUDICIAL ASSISTANCE TREATY; SWISS PROPOSAL ON DRAFT
OF EXCHANGE OF LETTERS REGARDING ARTICLE 10:2

1. FOLLOWING IS SWISS PROPOSAL ON DRAFT
EXCHANGE OF LETTERS REGARDING ARTICLE 10:2:

2. " DEAR MR. AMBASSADOR:

" I HAVE THE HONOUR TO REFER TO THE TREATY BETWEEN
THE SWISS CONFEDERATION AND THE UNITED STATES OF AMERICA,
ON MUTUAL ASSISTANCE IN CRIMINAL MATTERS SIGNED ON
....., AND IN PARTICULAR TO PARAGRAPH 2
OF ARTICLE 10 THEREOF.

"(A) WITH RESPECT TO THE EXPRESSION ' SERIOUS OFFENSE'
USED IN THAT PROVISION, IT IS THE UNDERSTANDING OF THE
SWISS FEDERAL COUNCIL THAT THIS STANDARD IS BASED ON
THE OBJECTIVE GRAVITY OF THE OFFENSE, UNLESS OTHER
CIRCUMSTANCES, PARTICULARLY THE MODE OF PERPETRATION,
JUSTIFY SUCH CHARACTERIZATION. IN APPLYING THE OBJECTIVE
GRAVITY STANDARD TO CERTAIN OF THE OFFENSES LISTED IN
THE SCHEDULE, THE FOLLOWING CRITERIA ARE APPLICABLE:

"1.

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(FIGURES 1 THROUGH 3 UNCHANGED).

"(B) IT IS FURTHERMORE UNDERSTOOD THAT FACTS ARE OF SUBSTANTIAL SIGNIFICANCE IN THE SENSE OF SUBPARAGRAPH B IF THE DISCLOSURE OF THE SECRET WOULD NOT CONSTITUTE AN UNREASONABLE DEMAND FOR THE REQUESTED STATE OR THE PERSON CONCERNED IN PROPORTION TO THE PREJUDICE WHICH THE SAFEGUARDING OF THE SECRET WOULD CAUSE TO THE PROSECUTION FOR THE REQUESTING STATE.

"(C) AS TO REQUESTS ... (REMAINDER UNCHANGED).

"(1) IF ARTICLE 6:3 IS AMENDED, " SERIOUS OFFENSES" WILL NOT BE MENTIONED THEREIN. LETTER HAS THEREFORE TO REFER ONLY TO ARTICLE 10:2."
DAVIS

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NMAFVVZCZ

*** Current Handling Restrictions *** n/a

*** Current Classification *** LIMITED OFFICIAL USE

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PFOR
Control Number: n/a
Copy: SINGLE
Draft Date: 07 MAY 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973BERN01815
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: n/a
Errors: n/a
Film Number: n/a
From: BERN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730537/aaaahxqh.tel
Line Count: 78
Locator: TEXT ON-LINE
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
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Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 28 SEP 2001
Review Event:
Review Exemptions: n/a
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Review Markings:

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US Department of State
EO Systematic Review
30 JUN 2005

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Subject: JUDICIAL ASSISTANCE TREATY; SWISS PROPOSAL ON DRAFT OF EXCHANGE OF LETTERS REGARDING ARTICLE 10:2
TAGS: EFIN, SZ, US
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SECSTATE WASHDC
Type: TE
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